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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2011-881**

12 **DEBBIE SOE MORING**
13 **3105 Penview Drive**
14 **Vista, CA 92084**

A C C U S A T I O N

15 **Registered Nurse License No. 429588**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 31, 1988, the Board of Registered Nursing issued Registered
24 Nurse License Number 429588 to Debbie Soe Moring (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on July 31, 2012, unless renewed.

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8. Code section 2770.11 states:

(a) Each registered nurse who requests participation in a diversion program shall agree to cooperate with the rehabilitation program designed by the committee and approved by the program manager. Any failure to comply with the provisions of a rehabilitation program may result in termination of the registered nurse's participation in a program. The name and license number of a registered nurse who is terminated for any reason, other than successful completion, shall be reported to the board's enforcement program.

(b) If the program manager determines that a registered nurse, who is denied admission into the program or terminated from the program, presents a threat to the public or his or her own health and safety, the program manager shall report the name and license number, along with a copy of all diversion records for that registered nurse, to the board's enforcement program. The board may use any of the records it receives under this subdivision in any disciplinary proceeding.

COST RECOVERY

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCES AT ISSUE

10. **"Cocaine"** is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(6) and is a dangerous drug per Business and Professions Code section 4022.

11. **"Methamphetamine"** is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (d)(2) and is a dangerous drug per Business and Professions Code section 4022.

FACTS

12. Respondent has a lengthy history of more than 30 years using Methamphetamine and Cocaine.

1 13. Respondent worked for approximately nine years as a registered nurse at Hemet
2 Valley Hospital. In approximately 2000, Respondent began working as a traveling nurse all over
3 the state of California. Respondent's area of specialty is medical/surgical and telemetry.

4 14. In or around December of 2009, Respondent quit her job due to a positive test for
5 Methamphetamine.

6 15. On or about February 4, 2010, Respondent enrolled in the registered nurse diversion
7 program MAXIMUS.

8 16. On or about February 12, 2010, Respondent was not compliant with her diversion
9 program when she did not call in to FirstLab as part of the random biological testing component
10 the program required.

11 17. In or around February of 2010, Respondent was not compliant with her diversion
12 program when she failed to attend seven 12-step meetings per week as the program required.

13 18. In or around February of 2010, Respondent was not compliant with her diversion
14 program when she failed to submit her prescription for Trazodone, when requested by the
15 MAXIMUS Diversion Evaluation Committee (DEC) to do so.

16 19. On or about March 29, 2010, Respondent was not compliant with her diversion
17 program when her random body-fluid test was outside of range with creatinine = 11/5 mg/dL.

18 20. In approximately June of 2010, Respondent was not compliant with her diversion
19 program when she relapsed, on using Methamphetamine and alcohol.

20 21. In approximately June of 2010, Respondent was not compliant with her diversion
21 program when she tested positive for Methamphetamine in her Intensive Outpatient program.

22 22. In approximately June of 2010, the DEC Chair mandated Respondent to complete a
23 30 day in-patient rehabilitation program. Respondent refused to follow the mandate. Therefore,
24 on or about June 21, 2010, Respondent was terminated from the Board's diversion program and
25 was determined to be a public safety risk due to her relapse using controlled substances and her
26 unwillingness to follow the mandate of a 30 day in-patient rehabilitation program.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Use of Drugs and Alcohol in a Dangerous Manner)**

3 23. Respondent is subject to disciplinary action pursuant to Code section 2761,
4 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
5 subdivision (b), in that while in the registered nurse diversion program, Respondent used
6 controlled substances, including, but not limited to, Methamphetamine as well as alcohol, as
7 described in paragraphs 12 - 22 above.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct – Non-Compliance with Diversion Program)**

10 24. Respondent is subject to disciplinary action pursuant to Code section 2761,
11 subdivision (a), on the grounds of unprofessional conduct for non-compliance with the registered
12 nurse diversion program after signing a contract agreeing that she would comply, as described in
13 paragraphs 12 - 22 above.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nurse License Number 429588, issued to Debbie
18 Soe Moring

19 2. Ordering Debbie Soe Moring to pay the Board of Registered Nursing the reasonable
20 costs of the investigation and enforcement of this case, pursuant to Business and Professions
21 Code section 125.3;

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1 3. Taking such other and further action as deemed necessary and proper.

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DATED: 4/25/11 Stacie Ben
for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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